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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,805	09/19/2005	Masayuki Imai	ISH-0235	7888

23353 7590 11/15/2007  
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EXAMINER
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WILSON, GREGORY A

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/549,805

Applicant(s)

IMAI, MASAYUKI

Examiner

Gregory A. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213:

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/19/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-22** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kreiser et al (6,953,338)**. **Kreiser et al** discloses a wafer support tool (75) including a plurality of wafer support members (quartz pins 8) formed by working a cylindrical body, for supporting a wafer to be heat treated, a quartz support member holder (60) for holding

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the wafer support members, wherein the wafer support members each has a contact portion (conical tip (11)) with the wafer wherein the contact portion can be spherical or balls (column 3, lines 62-67) and is also movable relative to the support member holder (it can be installed or removed), the support member holder is a pin holder for holding the pin and the pin is fitted in a plurality of pinholes (64) formed in the pin holder, Figure 11 shows a teaching of the pinholes being slit shaped and arranged radially from the center, the pin holder is disc-shaped (SEE Figure 14a) and a circular pinhole (62) is formed in the center position thereof; with regard to claim 13, cylindrical pins (8) are placed in pinholes and are rotatable axially within the supporting holes and inherently will undergo frictional movement with contact with the wafer, with regard to claim 19, support poles (70) for holding the plural support member holders and bases for holding the support poles (quartz) (SEE Figures 14a & 14b), the support member holders (quartz) are removable from the support poles.

**Claims 1-3 and 13-18** are rejected under 35 U.S.C. 102(b) as being anticipated by **JPO (02139935A)**. The JPO reference discloses a wafer support tool (1) for heat treatment and includes a plurality of disc-shaped wafer support members in the form of balls (11) for supporting a wafer to be heat treated; and a support member holder (1) for holding the wafer support members (SEE Figure 1), the balls (11) are rotatable within the structure of the support member holder and are inherently rotatable by friction force with the wafer (3) to be heated. Figure 2 shows a teaching of a hole to accommodate the rotatable body.

**Claims 1-8 and 13-22** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kawamura et al (7,204,887)**. **Kawamura et al** discloses a quartz wafer support tool (SEE Figure 22) for heat treatment and includes a plurality of quartz wafer support members (12) for supporting a wafer to be heat treated, a support member holder (11) for holding the wafer support members, the spherically shaped wafer support members each has a contact portion with the wafer, and are movable (rotatable) relative to the support member holder, Kawamura et al also discloses (in column 16, lines 6-7) that the support members can be pin shaped (132) formed by working a cylindrical body and the support member holder is a pin holder for holding the pin and the pin is fitted in a plurality of pinholes (SEE Figure 22) formed in the pin holder and is therefore removable, and the pinholes are formed radially from the center of the disc-shaped support member holder. With regard to claim 19, Kawamura et al discloses support poles (132) for holding the plural support member holders and bases (21) for holding the support poles, the structures are removable from each other.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY WILSON  
PRIMARY EXAMINER

*Gregory A. Wilson*

Gaw

November 7, 2007